

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES L. HARRISON,	)
	) Civil Action No. 06 - 345
Petitioner,	) District Judge Joy Flowers Conti
	)
v.	)
	)
COMMONWEALTH OF PENNSYLVANIA,	)
	)
Respondent.	)

**ORDER**

On March 16, 2006, the above captioned case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (doc. no. 10), filed on November 16, 2006, recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed Objections on December 6, 2006 (doc. no. 11). In his objections, Petitioner asserts that he did not know that his PCRA had been denied until August 25, 1996. However, that does not explain why Petitioner waited another eight years to pursue state court relief with respect to his conviction. Thus, it does not present any basis for altering the recommendation that the Petition be dismissed as untimely.

Accordingly, after review of the petition and records in this case, together with the report and recommendation, and the objections thereto, the following order is entered:

**AND NOW**, this 19th day of December, 2006;

**IT IS HEREBY ORDERED** that the Petition for Writ of habeas Corpus is **DISMISSED** as untimely.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 10) of Magistrate Judge Lenihan, dated November 16, 2006 is adopted as the opinion of the court.

By the Court:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

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